

tmd3574/mrm  
Return Date & Time:  
July 28, 2011 11:00 a.m.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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Chapter 13 Case No: 810-79097-AST

IN RE:

NOTICE OF MOTION

JOHN BOHNENBLUSCH AND LISA  
BOHNENBLUSCH,

Debtors.

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PLEASE TAKE NOTICE, that upon the within application, the Chapter 13 Trustee will move this Court before the Honorable Alan S. Trust, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, Long Island Federal Courthouse, 290 Federal Plaza, Central Islip, New York, Courtroom 970, on July 28, 2011 at 11:00 a.m., or as soon thereafter as counsel can be heard, for an Order pursuant to 11 U.S.C. §1307(c) for cause, dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the Bankruptcy Court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York  
July 8, 2011

s/ Marianne DeRosa  
MARIANNE DeROSA, TRUSTEE  
115 EILEEN WAY; SUITE 105  
SYOSSET, NY 11791  
(516) 622-1340

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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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Chapter 13 810-79097-AST

IN RE:

JOHN BOHNENBLUSCH AND  
LISA BOHNENBLUSCH,

APPLICATION

Debtors.

-----X

TO THE HONORABLE, ALAN S. TRUST, U.S. BANKRUPTCY JUDGE:

MARIANNE DEROSA, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 7 on November 20, 2010. Pursuant to Stipulation and Order entered on April 26, 2011, the instant case was converted to one under Chapter 13, and, thereafter, MARIANNE DEROSA was duly appointed and qualified as Trustee.

2. The Debtor's proposed Chapter 13 Plan (hereinafter referred to as "the Plan") is dated May 20, 2011 and reflected on the Court's docket as number 35. The Plan provides for payments in the amount of \$412.50 per month for a period of 60 months.

3. The Trustee objects to the confirmation of the Plan because the Plan does not specifically provide for treatment of all secured creditors as required by 11 U.S.C § 1325(a)(5).

4. Furthermore, the Debtor has failed to:

a. provide the Trustee with a copy of an affidavit by the debtor stating whether the debtor has filed all applicable federal, state, and local tax returns as required by Bankruptcy Code §1308 pursuant to E.D.N.Y. LBR 2003-1(b)(iii); and

b. provide the Trustee with a copy of an affidavit by the debtor stating whether the debtor either has paid all amounts that are required to be paid under a domestic support obligation and that first came payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order or by statute to pay such domestic support obligation; or that the debtor has no domestic support obligations as required by E.D.N.Y. LBR 2003 1(b)(ii).

c. comply with 11 U.S.C § 1325(a)(6) in that the Debtor has failed to submit timely Chapter 13 Plan payments to the Trustee

d. provide the Trustee with copies of canceled checks, receipts, money orders or other documentation of payment of all mortgage installments and real property lease payments that have come due since the filing of the petition as required by E.D.N.Y. LBR 2003-1(a)(vi) and E.D.N.Y. LBR 2003-1(b)(i).

5. The Debtor's failure to file these items impedes the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).

6. During the pendency of this bankruptcy estate, the Trustee has incurred costs and expenses in the ordinary course of administering this case and seeks reimbursement of \$350.00 to cover these expenses.

7. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case, and granting the Chapter 13 Trustee the sum of \$350.00 to be deducted from the Debtor's net receipts, if any, for administrative costs and expenses incurred during the pendency of this case, and for such other and further relief as may seem just and proper.

Dated: Jericho, New York  
July 8, 2011

s/Marianne DeRosa  
Marianne DeRosa  
Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IN RE:

Chapter 13 Case No: 810-79097-AST

JOHN BOHNENBLUSCH AND  
LISA BOHNENBLUSCH,

CERTIFICATE OF SERVICE  
BY MAIL

Debtors.

-----X

This is to certify that I, Matthew R. Matz, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

JOHN BOHNENBLUSCH  
38 JERUSALEM HOLLOW ROAD  
MANORVILLE, NY 11949

UNITED STATES TRUSTEE  
LONG ISLAND FEDERAL COURTHOUSE  
560 FEDERAL PLAZA - ROOM 560  
CENTRAL ISLIP, NY 11722-4437

LISA BOHNENBLUSCH  
38 JERUSALEM HOLLOW ROAD  
MANORVILLE, NY 11949

AMERICREDIT FINANCIAL SERVICES,  
INC.  
PO BOX 183853  
ARLINGTON, TX 76096

DAVID K. LIEB, ESQ.  
376A MAIN STREET  
CENTER MORICHES, NY 11934-3511

FORD MOTOR CREDIT COMPANY LLC  
C/O DEILY, MOONEY & GLASTETTER,  
LLP  
8 THURLOW TERRACE ALBANY, NY  
12203

ROBERT L. PRYOR, ESQ.  
CHAPTER 7 TRUSTEE  
PRYOR & MANDELUP LLP  
675 OLD COUNTRY ROAD  
WESTBURY, NY 11590

JP MORGAN CHASE BANK, NA  
FEIN SUCH & CRANE 747  
CHESTNUT RIDGE ROAD  
CHESTNUT RIDGE, NY 10977

This July 8, 2011

/s/Matthew R. Matz

Matthew R. Matz, Paralegal  
Office of the Standing Chapter 13 Trustee  
Marianne DeRosa, Esq.  
115 Eileen Way, Suite 105  
Syosset, New York 11791  
(516) 622-1340

Index No: 810-79097-AST  
UNITED STATES BANKRUPTCY COURT  
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IN RE:

JOHN BOHNENBLUSCH AND  
LISA BOHNENBLUSCH,

Debtors.

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NOTICE OF MOTION, APPLICATION  
and  
CERTIFICATE OF SERVICE

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MARIANNE DeROSA, TRUSTEE  
100 JERICO QUADRANGLE, SUITE 208  
JERICO, NY 11753  
(516) 622-1340

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revised  
03/09/06